

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION OF
)	DEFENDANT’S DETENTION
vs.)	
)	
Donald Bernard Sistrunk, Jr.,)	Case No. 1:20-cr-060
)	
Defendant.)	

Before the Court is the Defendant’s “Motion for Stay of Court’s Order Granting Government’s Motion for Detention.” See Doc. No. 87. On August 26, 2020, the Court entered an order granting the “Appeal of Magistrate Judge Decision” and ordered the Defendant be detained pending trial. See Doc. No. 86. On August 27, 2020, the Defendant filed a motion for stay. See Doc. No. 87. On September 3, 2020, the Government filed a response opposing the motion. See Doc. No. 92. For the reasons set for below, the motion is denied.

In his motion, the Defendant contends he was unrepresented during the Government’s appeal and had insufficient opportunity to respond to the Government’s appeal. See Doc. No. 89. The Government responded that the Defendant was represented by counsel from the Eastern District of Michigan at the time the appeal was filed. See Doc. No. 92. The Government contends the Defendant’s arguments do not rebut any of the information previously provided to the Court. The Government further contends the Defendant has failed to address the presumption for detention, the risk of flight, and the lack of ties to the District of North Dakota.

The Court finds that the Defendant has failed to rebut the information previously provided to the Court by the United States. See 18 U.S.C. § 3142(e)(3). The nature of the charge and applicable penalty creates a presumption of detention, which the Defendant has not overcome.

The Defendant and six other co-conspirators are charged with conspiracy to distribute and possess with intent to distribute controlled substances (oxycodone). The Defendant has failed to appear for a hearing for a misdemeanor drug offense in McKenzie County District Court. The Defendant has also failed to appear in the 34th District Court in Michigan on a charge involving possession of dangerous drugs. While the Defendant has community ties to the Eastern District of Michigan, the Defendant has virtually no ties to District of North Dakota, the charging district.

After a thorough review of the entire record and relevant case law, the Court remains convinced pretrial detention is warranted. Accordingly, the Court **DENIES** the Defendant's motion for stay (Doc. No. 87).

IT IS SO ORDERED.

Dated this 22nd day of September, 2020.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court